REMARKS

In response to the Official Action mailed June 29, 2005, Applicants propose to amend their application and respectfully request reconsideration. In this Amendment, no claims are added or canceled so that claims 1-39 remain at issue. Applicants have proposed amendments to the specification and claims 1, 8, 12, 14, 21, 25, 27, 34, and 38 that put the application in form for allowance. No new matter has been added.

I.   Objection To Specification

The Examiner objects to Applicants' Amendment of April 4, 2005, under 35 U.S.C. § 132(a) as allegedly introducing new matter. Applicants respectfully submit that the Examiner's objection is moot in view of Applicants' proposed amendments, which cancel the alleged new matter added in pp. 2-11 of the Amendment filed April 4, 2005.

II.   35 U.S.C. § 101 Non-Subject Matter Rejection of Claims

Claims 1-13 and 27-39 are rejected under 35 U.S.C. §101 as purportedly being directed to non-statutory subject matter. That rejection is respectfully traversed.

The Examiner contends that claims 1, 8, and 12 can be interpreted as a series of mental steps. Though Applicants disagree, claims 1, 8, and 12 are amended to recite a "computer-executable method" as suggested by the Examiner, in order to advance prosecution.

Regarding independent claims 27, 34, and 38, the Examiner contends that those claims are directed to non-statutory matter because "computer program product," as recited in those claims, may be construed in light of the specification to include an intangible carrier wave. Though Applicants disagree with the Examiner's contention, Applicants have proposed to amend claims 27, 34, and 38 to recite "tangible computer program product." As such, the term "computer program product" cannot be construed to encompass an allegedly intangible

embodiment, thus rendering the rejection moot. Accordingly, the rejection of dependent claims

28-33, 35-37, and 39 are also rendered moot.

III.   35 U.S.C. § 102 Anticipation Rejection of Claims

The Examiner rejected claims 1-39 under 35 U.S.C. § 102(b) based upon a public use or

sale of the invention by *Microsoft Excel 2000* (hereinafter *"Excel 2000"*) copyrighted by the

Microsoft Corporation in 1999. That rejection is respectfully traversed.

In the Amendment of April 4, 2005, Applicants argued that *Excel 2000* requires action by

the user to make formula syntax determinations. The Examiner now argues that the term

"determiner" may be construed as a user, such as described in *Excel 2000*, using the broadest

possible interpretation of the claims. (See Official Action, p. 9). Applicants propose to amend

independent claims 1, 8, 12, 14, 21, and 25 to clarify that the determination step is performed by

the computer, and that the determiner is embodied in a computing device (See Original

Application, p. 18, ll. 26-27). In *Excel 2000*, after a user activates a cell and then selects a

second cell, *Excel 2000* does not determine whether a reference to the second cell conforms to a

predetermined syntax for entry into a formula in the first cell as recited by claim 1, for example.

Instead, *Excel 2000* requires the user to explicitly terminate editing of the formula in the first cell

by selecting a termination button (*e.g.*, See "X" box on p. 4 of *Excel 2000* Figures). Thus, *Excel*

2000 cannot be construed as teaching the computer or computing device recited in claims 1, 8,

12, 14, 21, and 25.

With respect to claims 27, 34, and 38, the rejection is wholly erroneous. The Examiner

concedes that the determination of predetermined syntax is made by the user of the program

(See Official Action, p. 4). Yet, claims 27, 34, and 38 recite "computer readable code configured

to cause a computer to determine whether a reference... conforms to a predetermined syntax..."

Clearly, the recited "computer readable code" cannot be construed to encompass a user of *Excel 2000* (*i.e.*, a human being). Thus, claims 27, 34, and 38 are already allowable in view of the cited art. Prompt allowance of claims 27, 34, and 38 is therefore respectfully requested, as no further consideration of these claims is necessary.

Furthermore, the Examiner asserts in the *Response to Arguments* that "Excel 2000 provides built in auditing tools for automatically determining data conformity, etc." Applicants note that the Examiner does not rely on this argument in the rejection of claims 1-39, nor does the Examiner provide support for this assertion. Applicants find no evidence of this assertion in *Excel 2000* and therefore request an explanation should this contention be relied upon in any future rejection of the claims.

Accordingly, Applicants respectfully submit that *Excel 2000* does not teach all the limitations of independent claims 1, 8, 12, 14, 21, 25, 27, 34, and 38, and respectfully requests that the rejection to these claims be withdrawn.

Claims 2-7 depend from claim 1. Claims 9-11 depend from claim 8. Claim 13 depends from claim 12. Claims 15-20 depend from base claim 14. Claims 22-24 depend from base claim 21. Claim 26 depends from base claim 25. Claims 28-33 depend from base claim 27. Claims 35-37 depend from base claim 34. Claim 39 depends from base claim 38. Thus, each dependent claim should be deemed allowable for at least the same reasons as the base claim from which it depends.
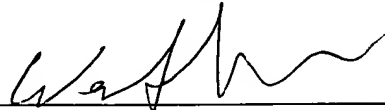
IV.   Conclusion

In view of the above amendments and remarks, Applicants submit that all claims are

allowable over the cited prior art, and respectfully requests early and favorable notification to

that effect.

Respectfully submitted,

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